

REMARKS

In the Office Action mailed June 18, 2007, the Examiner maintained the rejection of all pending claims 1-15 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,158,625 (Casaccia).

Applicant has amended independent claims 1 and 12 to include the subject matter within dependent claim 6, and canceled claim 6. Applicant also canceled claim 4 and amended claims 5 and 7 to correct the dependency. Applicant has also amended independent claim 9 in a similar fashion as with claim 1. Applicant has reviewed Casaccia and the Examiner's comments, and requests reconsideration of the present claims in view of the remarks below.

I. The Present Application and Claims

The present invention applies in a scenario where (a) an originating station sent to a conference server an invitation message seeking to set up a conference session with a terminating station via the conference server and (b) the originating station then sends a cancellation message to the conference server before setup of a conference leg between the conference server and the terminating station is complete. (Applicant Specification, p. 5). If the conference server were to just send a cancellation message to the terminating station, the terminating station would simply ignore the cancellation message if the terminating station has already responded to the invitation message from the conference server.

Instead, in the present invention, when the conference server receives the cancellation message from the originating station, the conference server (i) will complete setup of a conference leg with the terminating station, and (ii) will then send a teardown message to the terminating station to tear down the conference leg with the terminating station.

Claim 1 recites the conference server “in response to the cancellation message, (i) completing setup of the conference leg between the conference server and the terminating station and (ii) then sending a teardown message from the conference server to the terminating station to tear down the conference leg between the conference server and the terminating station,” and “wherein if the conference server has already received an agreement message from the terminating station agreeing to participate in the session, then completing setup of the conference leg between the conference server and the terminating station comprises sending an acknowledgement message from the conference server to the terminating station,” and “if the conference server has not yet received the agreement message from the terminating station agreeing to participate in the session, then completing setup of the conference leg between the conference server and the terminating station comprises (i) the conference server receiving the agreement message from the terminating station and (ii) sending the acknowledgement message from the conference server to the terminating station.” Independent claim 12 includes similar language.

Similarly, claim 9 recites “receiving a cancellation message from the first station before completing setup of the conference leg with the second station,” and “responsive to the cancellation message, (i) completing set up of the conference leg with the second station by waiting to receive an agreement message from the second station, if not already received, and then sending an acknowledgment message to the second station without waiting to receive an acknowledgment message from the first station thereby completing setup of the conference leg with the second station, and (ii) sending a teardown message to the second station, seeking to tear down the conference leg with the second station.”

To anticipate a claim, each and every element as set forth in the claim must be found in a single reference (MPEP § 2131). Applicant submits that Casaccia does not teach all limitations of any of independent claims 1, 9 or 12.

II. Response to the Examiner's Comments

Casaccia teaches a method for automatically terminating a call between a first and second subscriber unit. Specifically, Casaccia teaches that a first user of the first subscriber station initiates a call to a second user of the second subscriber station and the first user then "hangs up" when the first user hears a ring tone indicating that the second subscriber station is ringing so as to "ring" the second user. (Col. 6, lines 3-30).

To implement the ringing method of its invention as shown in Figure 8, Casaccia describes modifications to a flow diagram of a conventional SIP media session shown in Figure 7. For example, conventionally, Casaccia describes a first user sending an INVITE message to the server, which forwards the INVITE to a second user. Next, the second user sends a RINGING message to the server, which forwards the message to the first user. (Col. 13, lines 9-58). When the second user accepts the call, the second user sends an OK agreement message to the server, which forwards the OK message to the first user. Then, the first user sends an ACK acknowledgment message directly to the second user, and a media session is created. (Col. 13, line 60 to Col. 14, line 11). The description of a conventional SIP media session has been known and is described in Applicant's specification at p. 9-10.

For the ringing method, Casaccia describes the same initial steps of a first user sending an INVITE message, and the second user responding with the RINGING message. However, next, a CANCEL termination message is then sent to the proxy server, which forwards the CANCEL message to the second subscriber station. The call attempt is then terminated at the second

subscriber station, which stops ringing when the termination message from the proxy server is received. (Col. 14, line 12 to Col. 15, line 35).

After sending the CANCEL message, as shown in Figure 8, Casaccia states that the call attempt is terminated. No further action is performed. Casaccia does not teach **“in response to the cancellation message, (i) completing setup of the conference leg between the conference server and the terminating station and (ii) then sending a teardown message from the conference server to the terminating station to tear down the conference leg between the conference server and the terminating station,”** and **“wherein if the conference server has already received an agreement message from the terminating station agreeing to participate in the session, then completing setup ... comprises** sending an acknowledgement message from the conference server to the terminating station,” and **“if the conference server has not yet received the agreement message from the terminating station agreeing to participate in the session, then completing setup ... comprises** (i) the conference server receiving the agreement message from the terminating station and (ii) sending the acknowledgement message from the conference server to the terminating station,” as in claim 1 or similarly in claims 9 and 12.

In response to receiving the CANCEL message, Casaccia describes that the server forwards the CANCEL message to the second subscriber station to terminate the call at the second station, which stops ringing when the CANCEL message is received. (Figure 8). Setup of a communication leg is not established between the second subscriber station and the proxy server in response to receiving the CANCEL message. In fact, setup of a media session is never completed using the ringing methods described in Casaccia. That is the point of the invention in Casaccia, to ring a user without having the user answer the call. (Col. 6, lines 3-12). Using the paging method, no media session, as described in Figure 7 (step 738) and as described in

Applicant's Conventional conference setup (p. 9-10), is performed. Thus, Casaccia does not teach completing setup of the conference and then tearing down the conference in response to receiving a cancel message, as in the present claims, particularly because setup of a session is not completed using the paging methods of Casaccia.

In the Advisory Action mailed September 13, 2007, the Examiner stated that within Casaccia, when the conference server receives the cancellation message from the first station (at least col. 15 lines 12-14; col. 2 lines 64-66; col. 4 lines 6-7), the server (i) will complete set up of a conference leg with the second station "(at least col. 15 lines 20-22 teaching server connects and sends a correspond to the second station)", and (ii) will then send a teardown message to the second station to teardown the conference leg with the second station "(col. 15 lines 17-18 teaches de-allocating the second communication channel between server and the second station)."

It appears that the Examiner asserted that the RINGING function is the same as completing the conference setup. It also seems that the Examiner may be asserting that the teaching of sending an INVITE message that includes the indication to cancel the call, RINGING the second user, and then canceling the call, is the same as that in the present claims. Applicant disagrees. The present claims require exchanging agreement and acknowledgment messages to complete the conference setup. (See claims 1, 9 and 12).

The RINGING function in Casaccia is not the same as completing setup of a conference. Both Casaccia and Applicant's disclosure describe that completion of a conference requires the SIP OK and ACK messages (agreement and acknowledgment messages) to establish the media session. The media session is not completed until both users accept, whereas the RINGING

signal is sent upon the receipt of an INVITE message. Casaccia does not teach setting up a conference in response to receiving a CANCEL message, as in the present claims.

III. Conclusion

Applicant respectfully submits that, in view of the remarks above, all of the pending claims are allowable over the cited references. Applicant therefore respectfully requests withdraw of the current rejections.

If the Examiner still believes that Casaccia teaches all elements of all claims of the present application, Applicant requests the Examiner to clearly identify on an element by element basis where the elements are taught in Casaccia. If the Examiner has any questions, the Examiner is invited to call the undersigned at (312) 913-3331.

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Date: December 17, 2007

By: /Joseph A. Herndon/
Joseph A. Herndon
Reg. No. 50,469